

The 6th August, 1968

No. 6923-3Lab-68/20088.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following arbitration award of Shri Shambhu Nath, Arbitrator President, the Karnal General Transport Workers Union (Regd.), House No. C-226, Mohalla Ghosian, Karnal, in respect of the dispute between the workmen and management of M/s. Karnal General Labour Co-operative Transport Society Ltd., Karnal :—

No. 691, dated 26th July, 1968

Before Shri Shambhu Nath Arbitrator/President The Karnal General Transport Workers Union (Regd.) House No. C-226, Mohalla Ghosian, Karnal.

Arbitration award under section 10A of the Industrial Dispute Act, 1947 in the matter of dispute of Shri Jagdish Mitter, Driver *versus* Karnal General Labour Co-operative Transport Society Ltd., Karnal.

Present:

1. Shri Shambhu Nath Arbitrator.
2. Shri Jagdish Mitter, Driver with Shri Harbans Lal, Office Secretary of the Union, Authorised Representative.
3. Management: Absent.
3. Absent.

In pursuance of the Haryana Government Notification No. 5888-III-Lab.-68/dated 29th May, 1968, arbitration agreement signed by both the parties on 10th May, 1968 referred to above, the following matter was referred to me for arbitration i. e. Demand Notice, dated the 23rd April, 1968 regarding the alleged illegal termination of Shri Jagdish Mitter.

On receipt of the above said notice from the Government usual notices were issued to the parties calling the parties on 3rd June, 1968, duly received by both the parties, summing for 19th June, 1968, at 3 A.M. in my house Sant Nagar at Karnal asking them to file written statement of claims. It was also made clear to the parties if they failed to attend the office at the appointed date and time, action will be taken without affording them any other opportunity for filing the written statement.

The following issue was framed and circulated to the parties.

“Whether the termination of Shri Jagdish Mitter driver was justified or not. If he is reinstated, what relief he is entitled to?”

Subsequently, I cancelled the date of hearing fixed for 19th June, 1968 due to my illness, *vide* my letter, dated 17th June, 1968. Next date was fixed for hearing for 13th July, 1968 *vide* my letter, dated 5th July 1968 duly received by both the parties on 13th July, 1968, a telegram was received by me from the management for postponing the date. Shri Jagdish Mitter with Shri Harbans Lal, Authorised representative were present. They requested me to visit the office of the Company as according to them the Company was avoiding their presence and playing delaying tactics. I alongwith them visited the Company's office and found the Executive Members and office bearers of the Company were sitting in the office i.e. Sarvshri Mohan Singh, Dayabir Singh Secretary and others. Then on 15th July, 1968, I again issued a letter to both the parties fixing the next date for 21st July, 1968, at 9 A.M. It was again made clear to them that if they failed to attend the appointed place and time, action will be taken without affording to them another opportunity which was duly received by both the parties.

The management neither appeared before me nor they sent any reply. Accordingly, I proceeded *ex parte*.

The workmen representative filed their statement of claims which reads as under:—

- (1) That the petitioner was a confirmed and a permanent Driver of the respondent society.
- (2) That he went on leave with the permission of the said Society in connection with his own marriage from 1st April, 1968 to 9th April, 1968.
- (3) That on the expiry of the said leave period, he reported for duty for 10th April, 1968. He was not allowed duty by the Society without assigning any reason or giving any notice or chargesheet.
- (4) The workman was being victimized due to the Trade Union activities.

Hence the termination of service of Shri Jagdish Mitter was unjustified and not legal.

Since the management neither attended the proceedings on 21st July, 1968 nor have sent anything in writing to me so far in connection with the above dispute. I, therefore, have no other alternative except to believe the statement of the petitioner.

In view of the circumstances narrated above, I hereby award that Shri Jagdish Mitter Driver should be reinstated with immediate effect with continuity of service and full back wages within one month of the publication of the award. He should report for duty immediately on the publication of the award. The management shall pay the arrears of wages to Shri Jagdish Mitter Driver within one month of his reinstatement.

My above said award has been given in the light of Supreme Court Judgement:

1. 1966 I LLJ pages 875 (S. C.)
2. 1962 I LLJ pages 374 (S. C.)
3. 1961 II LLJ pages 625 (S. C.)
4. 1960 II LLJ pages 78 (S. C.)
5. 1960 I LLJ pages 587 (S. C.)

Four copies of the award are submitted to Secretary, Labour Department, Haryana, Chandigarh, with reference to his No. 5888-III-Lab-68/ , dated 29th May, 1968, for further necessary action.

SHAMBHU NATH,
Arbitrator/President,

The Karnal General Transport Workers Union,
House No. C-226, Moh. Ghosian, Karnal.

R. I. N. AHOOJA,

The 26th July, 1968.